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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,077	10/30/2000	Kenneth Wills	08250.0045-02	3296

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EXAMINER
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HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 03/01/2004

25

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/698,077

Applicant(s)

WILLS, KENNETH

Examiner

Thu-Thao Havan

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 17-40 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims **17-40** are rejected under 35 U.S.C. 102(e) as being unpatentable by Bouve et al. (US patent no. 5,682,525).

Re claims **17, 23, 32, and 35**, Bouve discloses a method for searching and retrieving information comprising receiving/sending a request identifying a first site, and range data defining a distance from the first site (fig.2), selecting/receiving trip planning information selected based on the identified site and the range data (col. 6, line 61 to col. 7, line 19; fig. 12), and outputting the selected trip planning information (fig. 1 and 11-12). In other words, Bouve teaches a user selects an item of interest and provides the desire distance. Based on these two data, the system locates the item of interest and displays the item of interest. Furthermore, if the user wants the system it can displays

additional detail. For example, the item of interest is a hotel. A user selects the categories of items provided by selecting hotel then input the distance. The system would display all the hotels within the proximate distance or range.

Re claims **18 and 24**, Bouve discloses the trip planning information includes information identifying a location of interest within proximity of the first site derived from the range data (figs. 2 and 12). In figure 12, Bouve discloses the computer store #1 and computer store #2 within the desires range.

Re claims **20, 26-27, 33-34, and 36-37**, Bouve discloses the request further includes a second site, and wherein the trip planning information includes information identifying a location of interest associated with the second site (col. 2, lines 44-63). In other words, Bouve teaches a user can select further additional detail about one or more of the items of interest.

Re claims **29 and 38**, Bouve teaches method for searching and retrieving information, comprising receiving/sending a request identifying at least a first site, a second site and a type of location of interest (figs. 4-5; col. 6, lines 38-67; col. 9, lines 14-20) and receiving information associated with the first and second sites and selected based on the type of location of interest and selected using a geometric shape generated based on the first and second sites (col. 5, lines 14-21). In other words, Bouve teaches a method for remotely determining the position of a selected category of items of interest in selected geographic vicinity from a database. He discloses (i) storing information about a plurality of items of interest in the database, the information inducting, for each of the items of interest, positional coordinates, a geographic vicinity,

and at least one associated category; (ii) accessing the database from a remote location and over a communication link; (iii) communicating, from the remote location, information representative of a selected category and a selected geographic vicinity to the database; and (iv) transmitting a portion of the information from the database and to the user over the link, the information including, at least, identification of a position for the items of interest within the selected category and geographic vicinity.

Re claims **19, 21-22, 25, 28, 30, and 39**, Bouve discloses the trip planning information includes information identifying services available within a proximity of the first site derived from the range data (figs. 5 and 12).

Re claims **31 and 40**, Bouve discloses the geometric shape is generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value (fig. 2). In other words, Bouve teaches the positional coordinates, as part of the selected information, operate to locate the geographic vicinity. The positional coordinates locate one location within the geographic vicinity--such as the center of the vicinity--so that items of interest can be determined relative to the positional coordinates and within the geographic vicinity. In addition, the geographic vicinity is preferably a rectangle of information, with North situated upwards.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2672

Uhlmann et al., US Patent No. 6,553,308

Hollenberg, US patent no. 6,091,956

Bouve et al., US patent no. 4,974,170

DeLorme et al., US patent no. 5,948,040

LeBlanc et al., US patent no. 5,960,341

<http://www.mamsi.com/d/fad/index.jsp>

### **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

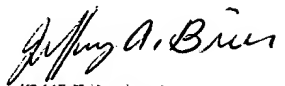
(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2672

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan  
Art Unit: 2672  
February 17, 2004

  
JEFFERY BRIEN  
PRIMARY EXAMINER